

REMARKS

Claim 22 has been amended. New claims 23-33 have been added. Claims 1-12, 14, 17, 20 and 21 have been withdrawn. Claims 18-19 have been canceled without prejudice. Claims 15, 16 and 22-33 are currently pending. Reexamination and allowance of the pending claims is respectfully requested.

First, the allowance of claims 15 and 16 is gratefully acknowledged.

Second, claims 18 and 19 have been canceled without prejudice and will be presented in a subsequent divisional application.

Claim 22 stands rejected under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) over USP 6,348,065 to Brown et al. ("Brown"). This rejection is respectfully traversed.

The Examiner's courtesy in granting the undersigned a personal interview on August 18, 2003 is greatly appreciated. During this interview, claim 22 and the Brown reference were discussed.

Independent claim 22 has been amended to recite that the length of the stent remains the same when the annular elements are in both the compressed and expanded states (i.e., that the stent is non-foreshortening). See the dashed lines 70e and 72e in FIGS. 12 and 13. The limitation relating to the helical twist has been deleted since it is not helpful to the Examiner in distinguishing Brown.

In contrast, it is respectfully submitted that the stents in Brown do not maintain the same length in both the compressed and expanded states. First, if one compares FIGS. 2 and 3 of Brown, it appears that the stent 10 is shorter when it is expanded. Second, column 2, lines 38-39 of Brown states that "the connectors between the segments are not intended to flex or bend under normal use". Third, Brown is otherwise completely silent about whether the length of the stent 10 would remain the same in both the expanded or compressed states. When these three observations are considered together, it becomes clear that the length of the stent 10 would change as the stent is expanded or compressed.

During the interview, the Examiner opined that the angles of the connectors 20 shown in FIGS. 2 and 3 of Brown indicate that the connectors 20 might provide some compensation for the foreshortening experienced by the stent 10 during expansion. However, the undersigned pointed out that even if the connectors 20 did provide some compensation for the foreshortening experienced by the stent 10 during expansion, this does not necessarily mean that the length of the stent 10 would remain the same as the stent 10 is expanded or compressed. This, coupled with the three observations noted

above, would prove that the stent 10 in Brown is not non-foreshortening.

In light of the above, claim 22 is submitted to be allowable over Brown. Claims 23-33 depend from claim 22 and are submitted to be allowable for the same reasons.

For the above reasons, it is respectfully submitted that all pending claims are in condition for allowance. The Examiner is encouraged to telephone the undersigned if there are informalities that can be resolved in a phone conversation, or if the Examiner has any ideas or suggestions for further advancing the prosecution of this case.

Respectfully Submitted,



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CERTIFICATE OF MAILING

I hereby certify that this paper and its enclosures are being deposited in United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: September 5, 2003

By:


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